

E-FILED on 12-21-05

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SYNNEX CORPORATION., a Delaware
Corporation,

Plaintiff,

v.

COMPU-CRAZE, INC., a New York
Corporation; and DOES 1 to 50 inclusive,

Defendants.

No. C-05-02594 RMW

ORDER GRANTING PLAINTIFF'S MOTION
FOR DEFAULT JUDGMENT BY COURT

[Re Docket No. 15]

Plaintiff Synnex Corporation moves for entry of a default judgment against defendant Compu-Craze, Inc. For the reasons given below, the court will grant the motion.

On June 24, 2005, Synnex filed a complaint in this court against Compu-Craze. Over the prior decade, Synnex had apparently been selling computer hardware to Compu-Craze, but Compu-Craze had recently defaulted on its payment obligations. Compl. ¶¶ 4-9. Synnex stated that Compu-Craze had not paid for \$524,171.76 worth of merchandise, *id.* ¶ 9, and prayed for relief in this amount, as well as interest, attorneys' fees, and costs, *id.* at 5.

Synnex filed with the court a certificate of service upon Compu-Craze on September 9, 2005. Compu-Craze did not answer the complaint or file any responsive pleading, and on November 9, 2005, the

1 court clerk entered Compu-Craze's default. Synnex now moves for entry of a default judgment against
2 Compu-Craze in the amount of \$551,709.05.

3 In addition to the \$524,171.76 principal amount, Synnex seeks \$27,142.29 in interest¹ and \$395 in
4 costs. Synnex has submitted adequate documentation—including invoices with the serial numbers of
5 products shipped—for the court to accept that the parties had a commercial relationship. The court is
6 uncertain, though, how Synnex arrived at the figure \$524,171.76. The statement of account that Synnex
7 included with its motion lists a "total" amount of \$530,024.03, and a "total past due" amount of
8 \$520,067.18. Mot. for Default J. by Ct., Ex. 3 at 1. As the court cannot determine the basis for Synnex's
9 request for \$524,171.76, the court will award Synnex the slightly lower "total past due" amount of
10 \$520,067.18. The court will also award Synnex 189 days' worth of 10 percent simple annual interest on
11 this amount, or \$26,911.07. The court accepts Synnex's proof of court costs.

12 ORDER

13 For the foregoing reasons, the court grants Synnex a default judgment against Compu-Craze
14 pursuant to Fed.R.Civ.P. 55(b)(2) and awards damages to Fujitsu as follows:

15	1. Unpaid amounts	\$520,067.18
16	2. Prejudgment interest at 10% per annum	\$26,911.07
17	3. <u>Court costs</u>	<u>\$395.00</u>
18	TOTAL	\$547,373.25

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21
22 DATED: 12/19/05 /s/ Ronald M. Whyte
23 RONALD M. WHYTE
24 United States District Judge
25

26 ¹ Synnex computes the interest figure as follows: First, dividing one-tenth of the principal
27 amount by 365, which, rounded to the nearest cent, indicates Compu-Craze owes Synnex \$143.61 in
28 simple 10 percent annual interest per day. Synnex calculates that there are 189 days between May 6,
2005, (the alleged date of Compu-Craze's default on its obligation to pay Synnex) and November 11,
2005, (the date the court clerk entered Compu-Craze's default in this action). \$143.61 x 189 =
\$27,142.29.

1 **Notice of this document has been electronically sent to:**

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6
7 Counsel are responsible for distributing copies of this document to co-counsel that have not registered for
8 e-filing under the court's CM/ECF program.

9
10 **Dated:** 12-21-05

/s/ JH
11 **Chambers of Judge Whyte**